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10 *Attorneys for Plaintiff*  
11 **FUJIFILM NORTH AMERICA CORPORATION**

12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
14 **SAN FRANCISCO DIVISION**

16 FUJIFILM NORTH AMERICA  
CORPORATION,

17 Plaintiff,

18 v.

19 OPTIMUM IMAGING TECHNOLOGIES  
20 LLC,

21 Defendant.

Case No.

**COMPLAINT FOR  
DECLARATORY JUDGMENT**

(Jury Trial Demanded)

1 Plaintiff FUJIFILM North America Corporation (“FNAC”) brings this action against  
2 Defendant Optimum Imaging Technologies LLC (“OIT”) for declaratory judgment that FNAC  
3 does not infringe four U.S. patents purportedly owned by OIT and identified more specifically in  
4 paragraph 19 below (“the Asserted OIT Patents”), and in support thereof alleges the following:

5 **NATURE OF THE ACTION**

6 1. This action arises under the patent laws of the United States of America, 35  
7 U.S.C. § 1 *et seq.*, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, in response  
8 to assertions by OIT that certain digital camera products imported, marketed, and sold in the  
9 United States by FNAC (“the Accused FNAC Products”) infringe the Asserted OIT Patents.  
10 OIT’s assertion of Asserted OIT Patents against the Accused FNAC Products gives rise to a  
11 substantial and concrete controversy between the parties that FNAC seeks to resolve by this  
12 action.

13 **THE PARTIES**

14 2. Plaintiff FNAC is a New York corporation with its principal place of business at  
15 200 Summit Lake Drive, Valhalla, New York 10595-1356. FNAC imports, markets and sells  
16 consumer and commercial photographic products and services, including digital cameras and  
17 lenses.

18 3. Defendant OIT is a Texas limited liability company with a listed address at 8701  
19 Shoal Creek Blvd. #401, Austin, Texas 78757, which claims ownership of the OIT Patents. That  
20 address is also the listed address for an attorney who serves as OIT’s registered agent for service.

21 **JURISDICTION AND VENUE**

22 4. This Court has subject matter jurisdiction over this controversy pursuant to 28  
23 U.S.C. §§ 1331, 1332, 1338, 2201 and 2202.

24 5. This Court has personal jurisdiction over OIT. Neal Solomon, who is the sole  
25 managing member of OIT and the sole named inventor of the Asserted OIT Patents, lists his  
26 mailing address as being in Oakland, CA 94620, and he resides in Northern California.

27 6. On information and belief, OIT has no employees or agents other than Neal  
28 Solomon and the above-referenced attorney-registered agent for service.

1           7.       On information and belief, as well as publicly available records, Neal Solomon  
2 has resided and worked in Northern California for over the past 20 years, including during all  
3 times relevant to this action.

4           8.       On information and belief, Neal Solomon maintains 415- and 510-area code  
5 business phone numbers and conducts OIT's business from the Northern District of California.

6           9.       On information and belief, Neal Solomon was residing and working in the  
7 Northern District of California during the times he allegedly conceived of and reduced to  
8 practice the claimed inventions of the Asserted OIT Patents, including working by and through  
9 Solomon Research LLC, a company formed in 2004 under California law with a listed address in  
10 San Francisco, California 94111.

11          10.      Prior to June 25, 2019, the Asserted OIT Patents (and/or applications that led to  
12 their issuance) were owned by Neal Solomon, and, on information and belief, a substantial  
13 portion of work and other activities relating to the development and prosecution of the Asserted  
14 OIT Patents was performed in California, including through the activities of Neil Solomon,  
15 Solomon Research LLC, and patent counsel located in the Northern District of California.

16          11.      On June 25, 2019, the Asserted OIT Patents (and/or applications that led to their  
17 issuance) were assigned by Neal Solomon to OIT. Upon information and belief, the patent assets  
18 assigned by Neal Solomon to OIT comprise all or a substantial portion of OIT's assets.

19          12.      On information and belief, since the assignment of the Asserted OIT Patents to  
20 OIT in June 2019, OIT has performed work and other business activities in California relating to  
21 prosecution of certain of the Asserted OIT Patents, including through the activities of Neil  
22 Solomon and patent counsel located in the Northern District of California.

23          13.      On July 8, 2019, OIT filed a complaint in the Eastern District of Texas against  
24 Canon Inc., claiming that Canon products infringed certain of the Asserted OIT Patents (the '805  
25 and '339 patents) (Case No. 2:19-CV-00246-JRG). Between July 8, 2019 and April 28, 2021,  
26 OIT actively litigated its case against Canon, including through the activities of Neil Solomon  
27 and patent counsel located in the Northern District of California.

28          14.      On October 18, 2023, OIT filed complaints in the Eastern District of Texas

1 against FUJIFILM Corporation and five other companies claiming that products sold by those  
2 companies infringed the Asserted OIT Patents. On information and belief, since at least October  
3 2023, OIT has performed work and other business activities in California relating to those  
4 litigations, including through the activities of Neil Solomon and patent counsel located in the  
5 Northern District of California.

6 15. On information and belief, the above-referenced California-based work and  
7 activities have comprised all or a substantial portion of OIT's overall business activities such that  
8 California is the principal place of OIT's business.

9 16. OIT has purposefully availed itself of the privileges and protections of doing  
10 business in California and has thereby subjected itself to the jurisdiction of this Court.

11 17. On information and belief, Neal Solomon and/or Solomon Research LLC possess  
12 and maintain information, records and other evidence in this District relating to the conception  
13 and patenting of the alleged inventions of the Asserted OIT Patents.

14 18. Venue is proper in this district, *inter alia*, pursuant to 28 U.S.C. §§ 1391(b) and  
15 1391(c).

16 **DEFENDANT'S ASSERTIONS GIVING RISE TO**  
17 **A JUSTICIABLE CONTROVERSY BETWEEN OIT AND FNAC**

18 19. On October 18, 2023, OIT filed a complaint against FUJIFILM Corporation in the  
19 Eastern District of Texas alleging patent infringement. A copy of the complaint (Case 4:23-cv-  
20 00922) is attached as Exhibit A ("OIT's ED Texas complaint"). OIT's ED Texas complaint  
21 inaccurately alleges that FUJIFILM Corporation "has imported, sells, has sold for sale and/or  
22 offers for sale in the United States cameras and lenses (and components of the same)" that  
23 infringe the Asserted OIT Patents, more specifically U.S. Patent Nos. 7,612,805 ("805 patent"),  
24 8,451,339 ("339 patent"), 10,873,685 ("685 patent"), and 10,877,266 ("266 patent"). Copies  
25 of the Asserted OIT Patents are attached as Exhibit B.

26 20. FUJIFILM Corporation is a Japanese corporation, headquartered in Tokyo, Japan,  
27 which does not conduct activities relating to the Accused FNAC Products in the United States  
28 and is not responsible for any of the infringing acts alleged in the OIT's ED Texas complaint.

1           21. To the extent it occurs, the alleged infringing conduct inaccurately attributed to  
2 FUJIFILM Corporation in the OIT's ED Texas complaint is in fact undertaken by FNAC, and  
3 OIT's assertions and claims therefore present threats against FNAC, FNAC Products, and FNAC  
4 customers, thereby giving rise to a dispute between FNAC and OIT. For example, the website  
5 that is the subject of allegations in ¶6 of the OIT's ED Texas complaint ([https://fujifilm-  
x.com/en-us/shop/](https://fujifilm-<br/>6 x.com/en-us/shop/)) was established and is maintained by FNAC.

7           22. Plaintiff FNAC has full responsibility for the operation of all aspects of the  
8 business within the United States relating to the Accused FNAC Products. FNAC purchases the  
9 Accused FNAC Products outside the United States and then imports, markets and sells those  
10 products in the United States. It further books the revenues and accrues profits from sales of the  
11 Accused FNAC Products in the United States and will be directly and adversely affected by  
12 OIT's assertions of patent infringement against the FNAC Accused Products.

13           23. FUJIFILM Corporation does not have even minimum contacts with Texas and,  
14 accordingly, there is no personal jurisdiction over FUJIFILM Corporation in the United States  
15 District Court for the Eastern District of Texas.

16           24. FUJIFILM Corporation has not manufactured, imported, sold, and/or offered for  
17 sale the Accused FNAC Products in the United States or otherwise taken any action that would  
18 constitute infringement of the Asserted OIT Patent. OIT's ED Texas complaint, therefore, was  
19 filed against the wrong entity. Manufacturing the Accused FNAC Products is performed outside  
20 the United States by separate corporations within the FUJIFILM Group and/or by OEM suppliers  
21 that are not part of the FUJIFILM Group.

22           25. Plaintiff FNAC and FUJIFILM Corporation are separate legal and juridical  
23 entities that maintain and respect all corporate formalities and distinctions.

24           26. FNAC is registered to do business in various States, including Texas; FUJIIFILM  
25 Corporation is not. FNAC does not have a regular and established place of business in the  
26 Eastern District of Texas.

27           27. FNAC avers and maintains that the Accused FNAC Products do not infringe  
28 OIT's '805, '339, '685, and '266 patents and denies OIT's claims to the contrary.

1 28. FNAC maintains that it has the right to make, use, have made, sell, and offer for  
2 sale all of the Accused FNAC Products as well as any other FUJIFILM-brand digital cameras  
3 that incorporate digital lens aberration correction without license from OIT, because those  
4 products do not infringe the Asserted OIT Patents or any other rights purportedly owned by OIT.

5 29. A list of products identified and accused of infringement in OIT's ED Texas  
6 complaint includes: FUJIFILM GFX100, GFX100S, GFX 50S, GFX 50R, GFX 50S II, X-H2,  
7 X-H2S, X-Pro3, X-T5, X-T4, X-T3, X-S20, X-S10, X-T30 II, X-T200, and X-E4. All of these  
8 products that are imported, marketed and sold in the United States by FNAC.

9 30. There exists an actual controversy between FNAC and OIT concerning whether  
10 FNAC's importation, marketing and sale of the Accused FNAC Products in the United States  
11 infringes the Asserted OIT Patents. OIT's claims that the FNAC Products infringe the Asserted  
12 OIT Patents have caused and will continue to cause direct and substantial injury to FNAC and its  
13 business, including FNAC's marketing and sales of the Accused FNAC Products.

14 **ALLEGATIONS REGARDING THE ASSERTED OIT PATENTS**

15 31. A patent application, entitled "Digital Imaging System and Methods for Selective  
16 Image Filtration" with application number 11/825,521 was filed on July 6, 2007, and ultimately  
17 issued as the '805 patent on November 3, 2009.

18 32. Neal Solomon is the sole named inventor and purported original owner of the  
19 '805 patent. An assignment, executed on June 25, 2019 and recorded at the United States Patent  
20 and Trademark Office ("USPTO") on June 25, 2019, purports to assign ownership of the '805  
21 patent to OIT.

22 33. A continuation patent application entitled "Digital Imaging System for Correcting  
23 Image Aberrations" with application number 12/586,221 was filed on September 18, 2009, and  
24 ultimately issued as the '339 patent on May 28, 2013.

25 34. Neal Solomon is the sole named inventor and purported original owner of the  
26 '339 patent. An assignment, executed on June 25, 2019 and recorded at the USPTO on June 25,  
27 2019, assigned ownership of the '339 patent to OIT.

28 35. A continuation patent application entitled "Digital Imaging System for Correcting

1 Image Aberrations” with application number 13/691,805 was filed on December 2, 2012, and  
 2 ultimately issued as the ’685 patent on December 22, 2020.

3 36. Neal Solomon is the sole named inventor and purported original owner of the  
 4 ’685 patent. An assignment, executed on June 25, 2019 and recorded at the USPTO on June 25,  
 5 2019, assigned ownership of the 13/691,805 patent application and all patents issuing therefrom  
 6 to OIT.

7 37. A continuation application entitled “Digital Camera with Wireless Image  
 8 Transfer” with application number 16/692,972 was filed on November 22, 2019, and ultimately  
 9 issued as the ’266 patent on December 29, 2020.

10 38. Neal Solomon is the sole named inventor and purported original owner of the  
 11 ’266 patent. An assignment, executed on June 25, 2019 and recorded at the USPTO on April 24,  
 12 2020, assigned ownership of the 16/692,972 patent application and all patents issuing therefrom  
 13 to OIT.

14 **FIRST CAUSE OF ACTION**  
 15 **(DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF**  
 16 **U.S. PATENT NO. 7,612,805)**

17 39. FNAC repeats and incorporates by reference the allegations of paragraphs 1-38  
 18 above as if fully set forth herein.

19 40. There is an actual controversy between FNAC and OIT as to alleged infringement  
 20 of the ’805 patent.

21 41. None of the Accused FNAC Products infringe any of the claims of the ’805  
 22 patent.

23 42. For example, the Accused FNAC Products do not include any structures or  
 24 features that correspond to at least the following limitations in the independent claims of the ’805  
 25 patent:

Claim No.	Example Limitation Not Present in Accused FNAC Products
1	“wherein the system software is organized to identify specific optical aberrations and to access the database to identify specific corrections to the aberrations”
	“wherein the data are forwarded from the digital sensor to the digital signal processor by an application specific integrated circuit”

1		“wherein the digital signal processor applies a fast Fourier transform to a data file in order to satisfy a user specified special effects function”
2		
3	4	“wherein the system software is organized to identify specific optical aberrations and to access the database to identify specific corrections to the aberrations”
4		
5		“wherein a data file is analyzed by the microprocessor to separate specific objects in the image using the differentiation of the depth-of-field”
6		
7		“wherein the digital signal processor applies filtration only to specific objects in the image”
8		
9		“wherein the aberrations of the specific objects are corrected”
10	9	“wherein the system software is organized to identify specific optical aberrations and to access the database to identify specific corrections to the aberrations”
11		“wherein the lens focal length alternates from specific fixed focal length lens settings in a succession of steps”
12		
13		“wherein optical aberrations are corrected with digital filtration to modify multiple images from different focal lengths in a succession of data files”
14	11	“wherein the system software is organized to identify specific optical aberrations and to access the database to identify specific corrections to the aberrations”
15		
16		“wherein a data file is analyzed by the microprocessor to separate specific objects in the image using the temporal differentiation of caching in which successive images share geometric elements”
17		
18		“wherein the digital signal processor applies filtration only to a specific continuous object that is isolated and is in motion”
19	15	“wherein the system software is organized to identify specific optical aberrations and to access the database to identify specific corrections to the aberrations”
20		
21		“wherein a network of digital imaging sensors is linked together in a fixed structure”
22		
23		“wherein the network is coordinated to track specific objects that are within its collective field of vision”
24		
25		“wherein the network captures images of objects using the digital imaging sensors”
26		
27		“wherein the individual digital imaging sensors forward the imaging data to a central digital signal processor”
28		
		“wherein a data file is analyzed by the microprocessor to separate specific objects in the image using the temporal differentiation of caching in which successive images share geometric elements”



1		“wherein the digital signal processor applies filtration only to
2		specific continuous objects that are isolated and are in motion”
3	18	“identifying specific optical aberrations and accessing a database to
4		identify specific corrections to the aberrations”
5		“forwarding the data from a digital sensor to a digital signal
6		processor by an application specific integrated circuit”
7	21	“applying a fast Fourier transform to a data file in order to satisfy a
8		user specified special effects function”
9		“identifying specific optical aberrations and accessing a database to
10		identify specific corrections to the aberrations”
11	24	“analyzing a data file by the microprocessor to separate specific
12		objects in the image using the differentiation of the depth-of-field”
13		“correcting the aberrations of the specific objects in the image by
14		applying the digital signal processor filtration”
15	26	“identifying specific optical aberrations and accessing a database to
16		identify specific corrections to the aberrations”
17		“analyzing a data file by the microprocessor to separate specific
18		objects in the image”
19		“using the temporal differentiation of caching in which successive
20		images share geometric elements”
21	30	“applying filtration only to a specific continuous object that is
22		isolated and is in motion by using the digital signal processor”
23		“identifying specific optical aberrations and accessing a database to
24		identify specific corrections to the aberrations”
25		“linking a network of digital imaging sensors together in a fixed
26		structure”
27		“coordinating the network to track specific objects that are within its
28		collective field of vision”
		“forwarding the imaging data from individual digital imaging
		sensors to a central digital signal processor”
		“analyzing the data file by using the microprocessor to separate
		specific objects in the image using the temporal differentiation of
		caching in which successive images share geometric elements”

	“applying filtration by the digital signal processor only to specific continuous objects that are isolated and are in motion”
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43. The controversy between the parties is sufficient to entitle FNAC to a declaratory judgment pursuant to 28 USC § 2201 *et seq.* and Fed. R. Civ. P. 57 that the Accused FNAC Products do not infringe any claim of the '805 patent.

44. Accordingly, FNAC seeks a judgment declaring that the claims of the '805 patent are not infringed by any of the Accused FNAC Products.

**SECOND CAUSE OF ACTION**  
**(DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF**  
**U.S. PATENT NO. 8,451,339)**

45. FNAC repeats and incorporates by reference the allegations of paragraphs 1-38 above as if fully set forth herein.

46. There is an actual controversy between FNAC and OIT as to alleged infringement of the '339 patent.

47. None of the Accused FNAC Products infringe any of the claims of the '339 patent.

48. For example, the Accused FNAC Products do not include any structures or features that correspond to at least the following limitations in the independent claims of the '339 patent:

<b>Claim No.</b>	<b>Example Limitation Not Present in Accused FNAC Products</b>
1	“wherein the microprocessor uses the database to identify at least one algorithm to use to correct the at least one optical aberration”
6	“wherein at least one optical and/or digital aberration in the image file are identified by comparing image files in the database management system by using the system software and the integrated circuit”  “wherein the at least one filtration algorithms required to correct the at least one optical and/or digital aberration are sent from the integrated circuit to the digital signal processor”
14	“wherein the microprocessor accesses the database to obtain at least one filtration correction algorithm to the optical aberrations and forwards the at least one filtration algorithms to the digital signal processor”

49. The controversy between the parties is sufficient to entitle FNAC to a declaratory judgment pursuant to 28 USC § 2201 *et seq.* and Fed. R. Civ. P. 57 that the Accused FNAC

1 Products do not infringe any claim of the '339 patent.

2 50. Accordingly, FNAC seeks a judgment declaring that the claims of the '339 patent  
3 are not infringed by any of the Accused FNAC Products.

4 **THIRD CAUSE OF ACTION**  
5 **(DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF**  
6 **U.S. PATENT NO. 10,873,685)**

7 51. FNAC repeats and incorporates by reference the allegations of paragraphs 1-38  
8 above as if fully set forth herein.

9 52. There is an actual controversy between FNAC and OIT as to alleged infringement  
10 of the '685 patent.

11 53. None of the Accused FNAC Products infringe any of the claims of the '685  
12 patent.

13 54. For example, the Accused FNAC Products do not include any structures or  
14 features that correspond to at least the following limitations in the independent claims of the '685  
15 patent:

Claim No.	Example Limitation Not Present in Accused FNAC Products
1	“wherein the integrated circuit uses the in-camera software to identify at least one optical image aberration and to correct the at least one optical image aberration in at least one frame of the digital video using at least one of the plurality of optical image aberration corrections in the database”
6	“wherein at least one optical aberration in at least two frames of the digital video are identified using the in-camera software and the integrated circuit”  “wherein the at least one optical aberration from the optical lens mechanism of at least two frames of the digital video are corrected by using the digital signal processor to apply at least one digital filtration algorithm”
14	“wherein the integrated circuit accesses the database to obtain at least one filtration correction algorithm to the optical image aberration of at least one frame in the video file and forwards the at least one filtration algorithms to the digital signal processor”

25 55. The controversy between the parties is sufficient to entitle FNAC to a declaratory  
26 judgment pursuant to 28 USC § 2201 *et seq.* and Fed. R. Civ. P. 57 that the Accused FNAC  
27 Products do not infringe any claim of the '685 patent.

28 56. Accordingly, FNAC seeks a judgment declaring that the claims of the '685 patent

1 are not infringed by any of the Accused FNAC Products.

2 **FOURTH CAUSE OF ACTION**  
3 **(DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF**  
4 **U.S. PATENT NO. 10,877,266)**

5 57. FNAC repeats and incorporates by reference the allegations of paragraphs 1-38  
6 above as if fully set forth herein.

7 58. There is an actual controversy between FNAC and OIT as to alleged infringement  
8 of the '266 patent.

9 59. None of the Accused FNAC Products infringe any of the claims of the '266  
10 patent.

11 60. For example, the Accused FNAC Products do not include any structures or  
12 features that correspond to at least the following limitations in the independent claims of the '266  
13 patent:

Claim No.	Example Limitation Not Present in Accused FNAC Products
1	“wherein the in-camera software and database system are upgradable to provide improved algorithms and correction data for correction of images”
22	“wherein the in-camera software and database system are upgradable to provide improved algorithms and correction data for correction of images”

14  
15  
16  
17 61. The controversy between the parties is sufficient to entitle FNAC to a declaratory  
18 judgment pursuant to 28 USC § 2201 *et seq.* and Fed. R. Civ. P. 57 that the Accused FNAC  
19 Products do not infringe any claim of the '266 patent.

20 62. Accordingly, FNAC seeks a judgment declaring that the claims of the '266 patent  
21 are not infringed by any of the Accused FNAC Products.

22 **DEMAND FOR JURY TRIAL**

23 63. Pursuant to Rule 38 of the Federal Rules of Civil Procedure and the Seventh  
24 Amendment to the U.S. Constitution, FNAC demands a trial by jury of any and all issues triable  
25 of right before a jury.

26 **PRAYER FOR RELIEF**

27 WHEREFORE, Plaintiff FNAC prays for a judgment in its favor, including:

28 A. A declaration that each of the claims of the '805 patent is not infringed;

- 1 B. A declaration that each of the claims of the '339 patent is not infringed;
- 2 C. A declaration that each of the claims of the '685 patent is not infringed;
- 3 D. A declaration that each of the claims of the '266 patent is not infringed;
- 4 E. A declaration that this case is an exceptional case pursuant to 35 U.S.C. § 285;
- 5 F. An award of FNAC's reasonable attorneys' fees, costs and expenses under:
  - 6 (1) 35 U.S.C. § 285;
  - 7 (2) any other applicable California statutes or common law; and
- 8 G. Such other and further relief as the Court deems just and proper.

**JURY DEMAND**

9  
10 FNAC hereby demands a jury trial on all issues and claims so triable.

11 Dated: May 31, 2024

Respectfully submitted,

12  
13 By: /s/ Bas de Blank  
14 Bas de Blank

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